

BOROUGH OF HASBROUCK HEIGHTS

ORDINANCE NO. 2150

AN ORDINANCE TO SUPPLEMENT CHAPTER 45 ENTITLED "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO INCLUDE THEREIN A NEW ARTICLE ENTITLED "ARTICLE VI, BOROUGH APPOINTMENTS REGISTRY," AND A NEW ARTICLE ENTITLED "ARTICLE VII, OFFICERS AND EMPLOYEES ENGAGED BY PROFESSIONAL SERVICES CONTRACTS."

WHEREAS, this Body intends hereby to foster further openness in the administration of the Borough of Hasbrouck Heights by providing citizens with information concerning the certain Appointed Municipal Positions which exist with the Borough of Hasbrouck Heights, by setting forth a procedure whereby a citizen can indicate a desire to serve in such an appointed position, and by providing for a notification process so that those citizens who have indicated such a desire will be notified when an appointment to such a position is under consideration and will ultimately be notified as to the action that was taken,

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Hasbrouck Heights, County of Bergen and State of New Jersey, that Chapter 45 entitled "Officers and Employees" of the Code of the Borough of Hasbrouck Heights be and is hereby supplemented so as to include therein an additional article entitled "Article VI, Borough Appointments Registry" which shall read as follows:

ARTICLE VI

Borough Appointments Registry

§45-29. Definitions.

The following terms as used in this Article shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

- (A) Appointing Authority – The official who or the body which has

the legal authority to appoint a person to hold a particular Appointed Municipal Position.

(B) Applicable Appointed Municipal Position – The following positions are governed hereby:

1. Board of Adjustment members
2. Class IV Planning Board members and alternate members
3. Board of Health members and alternate members
4. Library Trustees
5. Members of the Rent Leveling Board
6. Members of the Environmental Transportation Commission
7. Members of the Recreation Programs Advisory Committee

§45-30. Registry of Appointed Municipal Officials.

The Borough Clerk shall cause a register of Applicable Appointed Municipal Positions governed by the Article to be prepared and maintained. Such register shall be made available on the Borough's website and at the Borough Hall and shall set forth at least the following:

- A. Title of each of the aforesaid Appointed Municipal Positions governed hereby.
- B. Brief description of the powers and duties of each respective position.
- C. A list of any special credentials or qualifications required by the respective Appointing Authority that must be held by an appointee.
- D. The length of term for the respective position.
- E. The name of the person currently holding the respective position, the expiration date of his or her term, or, if that position be vacant, an indication of that fact.
- F. The dates or times and frequency of any meetings which the position must attend and other such regularly recurring obligations.

§45-31. Vacancies.

The Borough Clerk shall maintain a current, updated listing of all existing vacancies for each applicable Appointed Municipal Position within the Borough.

Such list shall be made available free of charge at the Borough Clerk's Office and shall, in addition, be posted by the Borough Clerk on a bulletin board maintained for public announcements in the Municipal Building.

§45-32. Filling Vacancies.

Unless essential for the proper functioning and/or carrying on of business of the local agency upon which the vacancy has occurred, a vacancy in any of the Applicable Appointed Municipal Positions shall not be filled for a period of 45 days from its posting in order to allow interested persons time to submit applications as provided in §45-33 below.

§45-33. Applications.

The Borough Clerk shall compose and make available to the public an application form to be completed by any person interested in serving in an applicable Appointed Municipal Position. Such application shall, at a minimum, contain the following information:

- A. Appointed Municipal Position sought
- B. Name of Applicant
- C. Address of Applicant
- D. Telephone number
- E. E-mail address
- F. Qualifications/experience for position
- G. Signature

§45-34. Filing Applications.

Any person interested in serving in an Appointed Municipal Position may file an application for such position with the Borough Clerk upon such form as the Borough Clerk shall prepare. Such application(s) may be filed at any time, whether or not the Appointed Municipal Position sought is vacant. A person may withdraw his or her application at any time.

§45-35. Maintaining Applications.

The Borough Clerk shall maintain all filed applications in a file or binder, segregated for each board or commission. Applications shall be considered void after two (2) years unless renewed by the applicant.

§45-36. Filling Applicable Municipal Positions.

Prior to filling any of the applicable Appointed Municipal Positions, the appropriate Appointing Authority shall review each application filed for that position. Each person having submitted an application for an applicable Appointed Municipal Position under consideration to be filled shall be notified of said vacancy. The Appointing Authority shall conduct such review investigation, and/or interviews as the Appointing Authority deems necessary or

advisable, in its discretion. After a decision is reached to fill a vacant applicable Appointed Municipal Position, all those who had submitted an application for that position shall be notified of the appointing decision.

AND WHEREAS, this Body intends to impose further restrictions upon the practice commonly known as "Pay-to-Play,"

NOW, THEREFORE, BE IT FURTHER ORDAINED that Chapter 45 entitled "Officers and Employees" of the Code of the Borough of Hasbrouck Heights be and is hereby supplemented to include therein an additional Article entitled "Article VIII, Officers and Employees Engaged by Professional Services Contracts," which shall read as follows:

ARTICLE VII

Officers and Employees Engaged by Professional Services Contracts

§ 45-37. Intention.

It is the express intention of this article to prohibit certain municipal contracts with persons, firms, corporations and any other entities who or which have directly or indirectly given substantial support to the candidacy of an elective municipal official of the Borough of Hasbrouck Heights whose duty it is to impartially award and assure the performance of such contracts regardless of the manner in which such contracts may be awarded and, further, to prohibit those contractors and others on their behalf from making certain substantial donations which directly or indirectly support the candidacy of those elective municipal officials. It is the further express intention of this article that, in respect to certain contracts, the loophole in the current State Law in respect to indirect, or so-called "pass through," contributions be closed and that the exemption in the current State Law from limitation on contractors whose contracts are awarded pursuant to the so-called "fair and open" process be eliminated in the Borough of Hasbrouck Heights.

§ 45-38. Definitions.

For the purposes of the Article, the following words and/or phrases shall be defined as follows:

A. "Professional services contracts" shall be as defined in the Local Public Contracts Regulations adopted by the Division of Local Government Services of the New Jersey Department of Community Affairs then in effect at the time and shall include contracts for "extraordinary, unspecifiable services" as those services are then therein defined.

B. "Political contribution" shall be defined as any contribution or donation of money or any other thing of value including, but not limited

to, in-kind contributions, pledges to contribute, guarantees of repayment, assumptions of liability, purchases of tickets, advertisements or other things sold for the purpose of raising campaign funds or any like contribution or donation which (a.) supports the candidacy of a candidate or group of candidates for elective office in the municipal government of the Borough of Hasbrouck Heights, or (b.) supports any fund, committee, political action committee, political organization or political party committee which directly supports such candidacy or which indirectly supports such candidacy by supporting any fund, committee, political action committee, political organization or political party committee supporting such candidacy. Any person or entity having made such contribution or donation shall be responsible to determine and shall be presumed to have known the purpose of the same.

C. "Person" shall be defined as any individual and shall include any spouse, child, parent, legal guardian or in-law of that "person," any individual who co-habits with that "person," any business or professional partner of that "person," any employer or employee of that "person," or any "entity" as herein defined in which that "person" has an ownership interest therein of ten per cent or greater, all of whom or of which shall be presumed to be acting for the purposes of this article on behalf of that "person."

D. "Entity" shall be defined as any business, proprietorship, company, partnership, firm, association, corporation, trust, joint venture or any other legal entity and shall include any subsidiary or parent of any of them, any partner in any of them, or any "person" as defined herein or other "entity" having an ownership interest of ten per cent in any of them, all of whom or of which shall be presumed to be acting for the purposes of this article on behalf of that "entity."

E. All other words and/or phrases in this Article shall be defined as contained the aforesaid Regulations, the Local Public Contracts Law and the New Jersey Campaign Contributions and Expenditures Reporting Act.

§ 45-39. Limitation on contracts.

The Borough of Hasbrouck Heights and any of its municipal agencies and/or instrumentalities shall not enter into any professional services contracts as hereinbefore defined having an anticipated value in excess of \$17,500.00 as determined in advance by the Chief Financial Officer of this Borough, regardless of whether pursuant to a "fair and open process," with any person who, or business entity which, has made a political contribution or contributions as hereinbefore defined that is or that totals a reportable contribution pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act within one (1) year preceding the proposed award of contract.

§ 45-40. Limitation on contractors.

No person who, or business which, has entered into any professional services contract as hereinbefore defined with the Borough of Hasbrouck Heights or any

of its municipal agencies and/or instrumentalities which contract was anticipated by the Chief Financial Officer to have or which contract has a value in excess of \$17,500.00, regardless of whether such contract was entered into pursuant to a "fair and open process," shall make a political contribution or contributions as hereinbefore defined that is or that totals a reportable contribution pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act during the term of that contract.

§ 45-41. Reports of contributions.

Any candidate seeking election to the office of Mayor or member of the Borough Council of the Borough of Hasbrouck Heights shall be required to simultaneously file in the office of the Clerk of the Borough of Hasbrouck Heights a true copy of any report of contributions and expenditures that such candidate is required to file in accordance with the New Jersey Campaign Contributions and Expenditures Reporting Act. The Borough Clerk shall maintain such copy and make the same available to inspection by the public during the regular business hours of the Clerk's office. Failure to file such copy of any said report in accordance herewith shall constitute a violation of this Article.

§ 45-42. Violations and penalties.

For a violation of any provision of this article, unless otherwise provided by law, any person, firm, association, partnership or corporation so violating shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$1,250, imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days; all of the aforesaid, however, being in the discretion of the Judge or other officer having jurisdiction. Any person who is convicted of violating this article within one year of the date of a previous violation of the same article and who was fined for the previous violation shall be sentenced by a court to an additional penalty or fine as a repeat offender. The additional penalty or fine imposed by the court upon a person for a repeated offense shall be calculated separately from the penalty or fine imposed for the violation of the article.

All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not effect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

Approved this 28th day of December, 2006


Ronald R. Jones, Mayor

Introduced: December 12, 2006
Adopted: December 28, 2006

MOTion: Councilman Meli
Second: Councilman Kistner
Roll Call: Ayes: Skiba, Meli, Kistner, DiPisa
Nayes: Saccomano, Introna
Absent: None

The foregoing Ordinance No. 2150 was finally adopted by the Borough Council at a meeting held on December 28, 2006, and approved by the Mayor on the same date.

Rose Marie Sees

Rose Marie Sees, Borough Clerk

CERTIFIED TO BE A TRUE AND CORRECT COPY
OF AN ORDINANCE ADOPTED AT A MEETING OF
THE MAYOR AND COUNCIL

28 DAY OF December 2007
Rose Marie Sees
BOROUGH CLERK